

**To:** Mahri Lowinger/R10/USEPA/US@EPA;aawernham@pol.net[]; aawernham@pol.net[]  
**Cc:** aawernham@pol.net;Dianne  
Soderlund/R10/USEPA/US@EPA;emerson@ecr.gov;palmer@ecr.gov;Tami  
Fordham/R10/USEPA/US@EPA[]; ianne  
Soderlund/R10/USEPA/US@EPA;emerson@ecr.gov;palmer@ecr.gov;Tami  
Fordham/R10/USEPA/US@EPA[]; merson@ecr.gov;palmer@ecr.gov;Tami  
Fordham/R10/USEPA/US@EPA[]; almer@ecr.gov;Tami Fordham/R10/USEPA/US@EPA[]; ami  
Fordham/R10/USEPA/US@EPA[]  
**From:** "Aaron Wernham"  
**Sent:** Wed 6/4/2008 10:44:14 PM  
**Subject:** RE: possible role for IECR?

Sarah, Kirk, and EPA,  
I have spoken with Marhi and Tami at EPA -- it sounds as if Thursday, 6/12, at 11:00 PDT/10:00 AST will work for us. Some of the larger EPA group may not be able to make it: I assume that if the first conversation is fruitful, there may be interest in another call at some point in the future.

So, if that time works for Sarah and Kirk, lets confirm for 6/12. EPA has kindly supplied a teleconference number:

Passcode: [REDACTED]

Let me know if there are any problems.

Thanks, everyone,

Aaron

> On Wed, June 4, 2008 1:17 pm EDT, Lowinger.Mahri@epamail.epa.gov wrote:

>

>

> I'm available next Thursday, June 12, but I'm not working on Friday,  
> June 13.

>

> ~~~~~

> Mahri Lowinger - Tribal Coordinator

> Tribal Trust & Assistance Unit

> US EPA - Alaska Operations Office

> 222 West 7th Ave. Box 19

> Anchorage, AK 99513

> phone: (907) 271-6334

> fax: (907) 271-6340

> toll free: 1-800-781-0983

> lowinger.mahri@epa.gov

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>

> "Aaron Wernham"

> To

> palmer@ecr.gov,

> 06/03/2008 07:34 aawernham@pol.net, Tami

> PM Fordham/R10/USEPA/US@EPA

> cc  
> Dianne  
> Soderlund/R10/USEPA/US@EPA,  
> emerson@ecr.gov, Mahri  
> Lowinger/R10/USEPA/US@EPA  
> Subject  
> RE: possible role for IECR?  
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> Sarah, Kirk, and all,  
> OK -- I am pretty free on Thursday 6/12, and Friday, 6/13. AMs would  
> work best (I will be in the PST time zone on those days), but I could  
> make time on either afternoon if necessary.  
>  
> EPA folks...?  
>  
> Thank you for being flexible!  
>  
> Aaron  
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> On Tue, June 3, 2008 8:31 pm EDT, Sarah Palmer wrote:  
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> Hi Aaron and all,  
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> I am in day long meetings June 9-11. The earliest I am  
> available next week is Thursday June 12 at 11 AM PDT which also looks  
> good for  
> Kirk. Friday June 13 appears open for both of us.





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>> Kirk

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>> Kirk  
>> Emerson, Ph.D.  
>> Director, U.S. Institute for  
>> Environmental Conflict  
>> Resolution  
>>  
>> Morris K.  
>> Udall Foundation  
>> 130 South Scott Avenue, Tucson, AZ 85701  
>> VOICE 520-901-8510 FAX 520-901-8511

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>> emerson@ecr.gov www.ecr.gov

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>> [IMAGE  
>> REMOVED]  
>> Join us for the 5th  
>> National ECR2008 Conference!  
>> May 20-22, 2008 at  
>> Doubletree Tucson Reid Park in Tucson, AZ  
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>  
 > > for  
 > > agreeing to make some time! I am free all day on Thursday and Friday  
 > of  
 > > this week. If either of those days works for you, please just let me  
 > > know  
 > > the time and best number to call. If not, let me know a couple of  
 > > alternate times, and I will call you. If you don't have any objection,  
 > I  
 > >  
 > > might invite a couple EPA staff to call in as well (in which case,  
 > maybe  
 > > we  
 > > need a conference line?) -- they are very interested to talk this  
 > > situation  
 > > over as well.  
 > >  
 > > I look forward to talking with both of you soon. Below, I have given  
 > an  
 > > overview of some of the issues that I am hoping we might be able to  
 > > address.  
 > >  
 > > Sincerely,  
 > >  
 > > Aaron Wernham, MD, MS  
 > >  
 > >  
 > > The Mines:  
 > > There are two large mines currently in serious exploration (pre-NEPA)  
 > in  
 > > SW  
 > > Alaska -- the Pebble Mine and Donlin Creek Mine. Both would be immense  
 >  
 > > open pit mines -- Pebble would actually involve construction of the  
 > > world's  
 > > largest earthen dam to contain tailings. Donlin is at the headwaters  
 > of  
 > > the Kuskokwim river, upstream from ~30 villages. All told, considering  
 >  
 > > downstream subsistence effects as well as regional economic effects,  
 > > these two  
 > > mines will have fairly direct impacts on something like 70 villages  
 > > (each a  
 > > separate federally recognized tribe).  
 > >  
 > > The Political Setting:  
 > > I'm sure you are both familiar with the Alaska Native Claims  
 > Settlement  
 > > Act  
 > > (ANCSA), which created the unique political situation in Alaska. As a  
 > > brief overview, ANCSA created a system of regional and village  
 > > corporations to  
 > > receive the land and financial claims settlements: tribes, therefore,  
 > do  
 > > not  
 > > have true jurisdiction over most lands in Alaska, nor do they have a

> > strong  
 > > economic base. Under this system, there is an complex and fragmented  
 > > system of political representation, land management authority, and  
 > > financial  
 > > resources:  
 > > -Tribal governments in each village, generally with very little source  
 >  
 > > of  
 > > income  
 > > -Village for-profit corporations in many villages  
 > > -Regional for-profit corporations (Calista and Bristol Bay Native  
 > > Corporation  
 > > are the relevant ones for these mines -- both are developing business  
 > > partnerships with the mining companies)  
 > > -Regional non-profit corporations (AVCP and Bristol Bay Native  
 > > Association)  
 > > -Regional health corporations  
 > >  
 > > Compounding this situation, many of the for-profit corporations do not  
 >  
 > > enroll  
 > > new tribal members; For example, only those born before ~ 1972 are  
 > > eligible to  
 > > be shareholders in Calista corporation.  
 > >  
 > > Consequently, at baseline, it has proven extraordinarily difficult for  
 >  
 > > communities to speak with a unified voice on any issue.  
 > >  
 > > The Problem:  
 > > Tribes in these regions are now trying to figure out how to deal with  
 > > the  
 > > mining  
 > > proposals. To date, much of the discourse has focused on lining  
 > > up as "pro or anti-mining." Villages are becoming terribly  
 > > polarized as a result.  
 > >  
 > > I recently helped organize a 2-day NEPA and public health training for  
 >  
 > > the  
 > > tribes. It was an amazing experience -- over 60 elders and tribal  
 > > leaders  
 > > from the region attended. Our objective was the presentation of  
 > > strategies for effective participation in the mine permitting process  
 > --  
 > > so  
 > > that if mining goes ahead, tribes will help shape the alternatives  
 > > considered,  
 > > the environmental controls, monitoring strategies, economic inputs to  
 > > their communities, etc. Yet there was such a strong focus among  
 > > attendees  
 > > on whether or not mining should be allowed that people weren't able  
 > > to develop a more cohesive vision for how to participate and  
 > > collaborate  
 > >  
 > > during the mine permitting process. People were respectful, but

> > there is an undercurrent of mistrust. There have been accusations in  
> the  
> >  
> > Pebble region that the mine is bribing native leaders; in the Donlin  
> > region,  
> > people  
> > have accused Calista of making deals without consulting shareholders,  
> > and of  
> > refusing to share details on the nature of the agreements. On the  
> other  
> > side,  
> > there were a lot of concerns expressed about this meeting by  
> pro-mining  
> > communities, who accused Alaska Inter-Tribal Council of excluding  
> them.  
> >  
> > This disunity, contention, and political division are impacts by  
> > themselves, for communities that share much heritage, tradition, and  
> > family  
> > relationships. Perhaps even more importantly, though, this division  
> will  
> >  
> > prevent effective participation in the mine permitting process. Both  
> pro  
> >  
> > and anti-mining communities share much common ground: they are  
> > subsistence  
> > communities, and most people in the region would probably agree that  
> > preserving  
> >  
> > the subsistence way of life is essential to their well-being and  
> > survival. The best way to protect ensure that the permitting process  
> > develops appropriate environmental controls, monitoring, mitigation,  
> and  
> > focus  
> > on the needs and priorities of impacted communities, of course, is  
> > organized  
> > and effective participation by the communities in the permitting  
> > process.  
> >  
> > How would IECR help?  
> > I look forward to your thoughts on this. One general idea would be  
> > a region-wide conflict resolution process with the objectives of:  
> > -Defining areas of agreement between pro and  
> > anti-mining communities, and using this to develop  
> > an community-driven agenda for the permitting process  
> > -Developing an effective mechanism for tribal  
> > participation. There are lots of barriers -- political fragmentation,  
> > not to mention geographic, seasonal challenges  
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> > Aaron: I am just back from a week out of the office. I

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>> Dinah,  
>> Thank you for helping with this -- I'll talk with you soon.  
>>  
>> Kirk,  
>> I would love to talk through this situation with you -- it presents a  
>> fascinating set of challenges and opportunities. There isn't a big  
> rush,  
>>  
>> as Dinah mentioned, but it would be great to talk with you whenever  
> you  
>> have  
>> time.  
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>> Aaron  
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>> On Thu, May 22, 2008 1:57 pm EDT, Dinah Bear wrote:  
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> > Aaron  
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> > just returned from a workshop in  
> > Bethel,  
> > Alaska, with many elders from the village, discussing health impact  
> > assessment  
> > and its potential role vis-a-vi NEPA and federal agencies'  
> > decisionmaking  
> > process. He noted both great interest and a great amount of internal  
> > conflict in the tribal community. There is not (fortunately) an  
> > immediate  
> > crisis in the form of a proposed action under NEPA, but there will be  
> in  
> >  
> > the future. Aaron was thinking it might be a good time to get the  
> > INstitute engaged in working within the community to help them be  
> better  
> >  
> > prepared to interact with federal agencies when new oil and gas  
> > proposals  
> > are announced. He could give you more detail, and I'm including him on  
>  
> > this e-mail, but I'm wondering who you might refer him to as you begin  
>  
> > to pack  
> > up your desk?  
> >  
> >

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